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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,978	08/31/2000	Stephen McFarland	02950.P059	4737

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Jeffrey S. Smith
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,978

Applicant(s)

MCFARLAND ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 17.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Eslambolchi et al (US 5,875,422).
2. In regards to claims 25, 28, 31, 33, 36, 37, 38, and 39, Eslambolchi discloses a method comprising: making a plurality of outbound calls to a plurality of called parties (station 14) from a single device (station 12), wherein the plurality of called parties includes at least a first called party and a second called party (col. 3 lines 32-41); detecting which called parties answer the call; and treating the first called party differently from the second called party based on information associated with the second called party (col. 4 lines 10-37 and col. 4 lines 56-65).
3. In regards to claims 26 and 29, Eslambolchi discloses the method, wherein the information associated with the second called party includes answer information regarding whether the second called party answered the outbound call to the second called party (col. 3 lines 28-32 and col. 4 lines 56-62).

4. In regards to claim 27, Eslambolchi discloses the method, wherein the information associated with the second called party includes customer input from the second called party (col. 4 lines 30-36 and col. 4 lines 56-62).

5. In regards to claims 30 and 32, Eslambolchi discloses the method, wherein the response to requested information includes an answer to a personal question (col. 3 lines 15-35).

6. In regards to claims 34 and 35, Eslambolchi discloses the method, wherein the treating of the first called party differently from the second called party includes executing an instance of a first script for the first called party that operates independently of a second script for the second called party (col. 4 lines 56-65).

Response to Arguments

7. Applicant's arguments filed Oct. 24, 2003 have been fully considered but they are not persuasive. Applicant states: that in Eslambolchi, the preference of the calling party is not information associated with a called party much less information associated with a second called party; Eslambolchi does not describe treating a first called party differently from a second called party based on information associated with the second called party; and the preference of the called party is not information associated with a second called party, but rather, information associated with the called party because it is the preference of the called party. Examiner respectfully disagrees with these arguments. Claim 25 is still very broad. It can be read as meaning, when there is a plurality of called parties, and all called parties speak English and one speaks French,

then that one caller will be treated differently. However, Eslambolchi, does teach treating the first called party differently from the second called party based on information associated with the second called party (col. 3 lines 32-41). Col. 3 lines 32-41, discloses the calls made to an area where the primary residents speak Spanish, would be communicated in that language, unless the called party has noted the desire or need for the call to be made in English, French, etc.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gupta et al (US 5,506,890) teach a method and apparatus for group-specific calling. Friedes et al (US 5,329,581) teach a system for completing a series of calls from a calling party to a plurality of called parties served by a common terminating switch an located in the same general geographic area.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

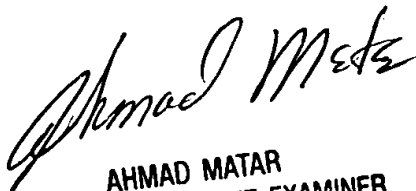
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Application/Control Number: 09/652,978
Art Unit: 2642

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Thjuan P. Knowlin
January 8, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600